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OFFICE OF PETITIONS

Practitioner's Pocket No. 0570.00077

PATENT

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10/25/00  
Amner

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard B. Silverman, et al

Application No.: 09 / 243,997 Group No.: 1621

Filed: 02/04/99 Examiner: Shippen, M.

For: GABA AND L-GLUTAMIC ACID ANALOGS FOR ANTI-SEIZURE TREATMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231AMENDMENT, PETITION AND FEE TO DELETE AND/OR  
ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED  
INVENTOR(S) IN DECLARATION—NONPROVISIONAL APPLICATION—  
(37 C.F.R. § 1.48(a))

NOTE: "If the inventive entity is set forth in error in an executed § 1.63 oath or declaration in an application, other than a reissue application, and such error arose without any deceptive intention of the part of the person named as an inventor in error or on the part of the person who through error was not named as an inventor, the application may be amended to name only the actual inventor or inventors." 37 C.F.R. § 1.48(a)

NOTE: 37 C.F.R. § 1.48(f) states: "If the correct inventor or inventors are not named on filing a nonprovisional application under § 1.53(b) without an executed oath or declaration under § 1.63, the later submission of an executed oath or declaration under § 1.63 during the pendency of the application will act to correct the earlier identification of inventorship."

"(2) If the correct inventor or inventors are not named on filing a provisional application without a cover sheet under § 1.51(c)(1), the later submission of a cover sheet under § 1.51(c)(1) during the pendency of the application will act to correct the earlier identification of inventorship."

1. This amendment and petition is to correct the incorrect original naming of inventor(s) in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on 2/4/99 (Date).
2. Addition and/or Deletion of Inventor(s)

(check and complete all applicable items)

☐ Add the following previously unnamed person(s) as inventor(s) of this application:

---



---



---

☒ Delete the following previously incorrectly named inventor(s) \_\_\_\_\_  
Po-Wai Yuen

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.3(a))

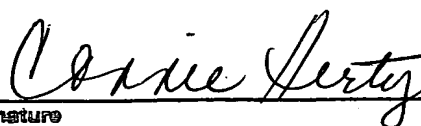
I hereby certify that this correspondence is, on the date shown below, being:

## MAILING

XX deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 9/28/00

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Connie Herty

(type or print name of person certifying)

(Amendment, Petition and Fee to Delete and/or Add to Original Erroneously Named or Not Named Inventor(s) in Declaration (37 C.F.R. § 1.48(a) [9-22]—page 1 of 2)

10/05/2000 YPOLITE1 00000003 09243937

130.00 DP

01 FC:122

OK To file  
3/26/01

3. Attachments

Attached is

(a) A statement from:

*(check items below that apply)*

- ☐ each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- ☒ each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) a declaration by each of the actual inventor(s) as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43, OR 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) written assent of the assignee (if any of the original inventors executed an assignment) 37 C.F.R. 1.48(a)(4)
- (d)

*(check the following item, if all the inventor(s) remaining after this petition and amendment is accepted are not the inventor(s) of the subject matter of all the claim(s) now being claimed.)*

- ☒ Attached is an explanation of the facts, including the ownership of all the claim(s) being claimed in this application, including the ownership of all the claim(s) at the time the last claimed invention was made (Declaration of Inventorship and Common Ownership of Claims in Application).

4. Fee Payment (37 C.F.R. § 1.17(i))


The fee required is paid as follows:

- ☒ Enclosed is a check for \$130.00.
- ☐ Charge Account \_\_\_\_\_ for any fee deficiency.
- ☐ Charge Account \_\_\_\_\_ the sum of \$130.00.

Reg. No.: 45,791

Tel. No.: ( 248 ) 539-5050

Customer No.:

  
SIGNATURE OF PRACTITIONER

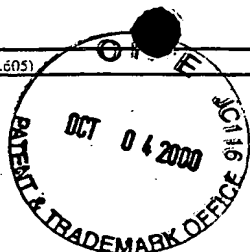
AMY E. RINALDO

*(type or print name of practitioner)*

30500 Northwestern Highway, Suite 410  
P.O. Address

Farmington Hills, MI 48334

(Amendment, Petition and Fee to Delete and/or Add to Original Erroneously Named Inventor(s) in Declaration  
(37 C.F.R. § 1.48(a) [9-22]—page 2 of 2)



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TECH CENTER

Practitioner's Docket No. 0570.00077

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard B. Silverman, et al

Application No.: 09 / 243,997 Group No.: 1621

Filed: 02/04/99

Examiner: Shippen, M.

For: GABA AND L-GLUTAMIC ACID ANALOGS FOR ANTI-SEIZURE TREATMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)

NORTHWESTERN UNIVERSITY

(type or print name of assignee)

1801 Maple Avenue, Evanston, Illinois 60201-3135

Address

## Assignment

☒ recorded on 3/12/99

Reel 9815

Frame 0579

☐ recorded herewith☐ A separate "ASSIGNMENT" (DOCUMENT) COVER SHEET is attached.

or

☐ FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed

☒ herewith.☐ on \_\_\_\_\_

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Connie Herty

(type or print name of person certifying)

Date: 9/28/00

ASSIGNEE STATEMENT

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.

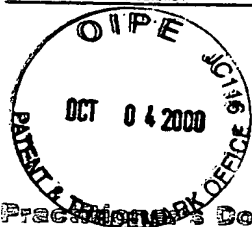
Indrani Mukharji

Signature

Indrani Mukharji, Director

(type or print name and title of person authorized to sign  
on behalf of assignee)

(Assent of Assignee to Correction and/or Addition of Inventor(s) [9-23]—page 2 of 2)



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OCT 11 2000

Patent Docket No. 0570.00077

OFFICE OF PETITIONS

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Richard B. Silverman, et al

Application No.: 09 /243,997 Group No.: 1621

Filed: 02/04/99

Examiner: Shippen, M.

For: GABA AND L-GLUTAMIC ACID ANALOGS FOR ANTI-SEIZURE TREATMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231ASSENT OF ASSIGNEE TO CORRECTION  
AND/OR ADDITION OF INVENTOR(S)

WARNER-LAMBERT COMPANY

(type or print name of assignee)

2800 Plymouth Road, Ann Arbor, MI 48105

Address

## Assignment

☒ recorded on 3/12/99

Reel 9815

Frame 0579

☐ recorded herewith☐ A separate "ASSIGNMENT" (DOCUMENT) COVER SHEET is attached.

or

☐ FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed

☒ herewith.☐ on \_\_\_\_\_

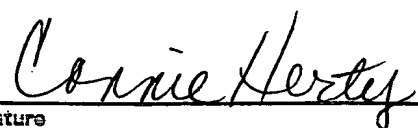
## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.2(a))

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

## FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.  
Signature

Connie Herty

(type or print name of person certifying)

Date: 9/28/00

ASSIGNEE STATEMENT

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.



Signature

Charles W. Ashbrook, Assistant General Counsel

*(type or print name and title of person authorized to sign  
on behalf of assignee)*

(Assent of Assignee to Correction and/or Addition of Inventor(s) [9-23]—page 2 of 2)



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OFFICE OF PETITIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SILVERMAN ET AL.

Serial No.: 09/243,997

Group Art Unit: 1621

Filed: February 4, 1999

Examiner: M. Shippen

For: GABA AND L-GLUTAMIC ACID ANALOGS  
FOR ANTI-SEIZURE TREATMENT

Attorney Docket No.: 0570.00077

**STATEMENT OF FACTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. Richard B. Silverman and Ryszard Andruszkiewicz, are the originally-named inventors of the above-captioned patent application.

2. Without deceptive intent, on or about August of 2000, it was discovered that Po-Wai Yuen, was erroneously included as an inventor of the above-captioned patent application.

3. Upon discovering the inadvertent error of including this inventor in the claimed invention, the representative assignee of the application was immediately contacted and the decision was reached to amend the application by deleting the erroneously-named inventor. Accordingly, there was no deceptive intent in initially listing Po-Wai Yuen, as an inventor, and Applicant has worked diligently to amend the application.

4. The undersigned state further all statements made herein of their own knowledge are true and that all statements made on information and

belief are believed to be true; and, further, that the statements were made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/9/00  
Richard B. SilvermanDate: 9/4/00  
Ryszard AndruskiewiczDate: 9/19/00  
Po-Wai Yuen



Attorney's Docket No. P-320(NU)**COMBINED DECLARATION AND POWER OF ATTORNEY**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)**RECEIVED**

As a below named inventor, I hereby declare that:

OCT 11 2000

**TYPE OF DECLARATION**

OFFICE OF PETITIONS

This declaration is of the following type: (check one applicable item below)

- ☐ original  
☐ design  
☐ supplemental

**NOTE:** If the declaration is for an international Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

☐ national stage of PCT

**NOTE:** If one of the follow 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional  
☐ continuation  
☒ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**GABA AND L-GLUTAMIC ACID ANALOGS FOR ANTISEIZURE TREATMENT**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
 (b) ☒ was filed on May 18, 1993 as ☒ Serial No. 08/064,285 or Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

**NOTE:** Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

### ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 35, Code of Federal Regulations. § 1.56(a).

\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) \_\_\_\_\_ such applications have been filed as follows

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIM UNDER 35 USC 119
			___ YES ___ NO
			___ YES ___ NO
			___ YES ___ NO
			___ YES ___ NO
			___ YES ___ NO

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

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POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

L.A. Ebling 34,153  
P.J. Ethington 17,299  
J.C. Evans 20,124  
R.L. Farris 25,112  
F.J. Fodale 20,824  
R.W. Hoffmann 33,711  
K.I. Kohn 30,955  
J.F. Learman 17,069  
J.K. McCulloch 17,452  
G.E. McGlynn III 33,737

H.W. Milton, Jr. 22,180  
J.P. Moran 20,941  
O.E. Perry 19,969  
S.L. Permut 28,388  
J.E. Shackelford 36,003  
D.J. Simonelli 36,680  
R.L. Stearns 36,937  
J.D. Stevens 35,691  
C.R. White 20,494

See attached sheet for  
additional attorneys

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(NAME AND TELEPHONE NUMBER)

Kenneth I. Kohn  
Reising, Ethington, Barnard,  
Perry & Milton  
P.O. Box 4390  
Troy, MI 48099-9998

Kenneth I. Kohn  
(313) 689-3554

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor Richard B. Silverman

Inventor's signature Richard B. Silverman

Date 7/6/93 Country of Citizenship U.S.A.

Residence Morton Grove, Illinois 60053

Post Office Address 7817 Beckwith Road

Morton Grove, Illinois 60053

Full name of second joint inventor, if any Ryszard Andruszkiewicz

Inventor's signature Ryszard Andruszkiewicz

Date 7/12/93 Country of Citizenship Poland

Residence Sopot, Poland

Post Office Address Kolberga 14C M27

81-881 Sopot, Poland

CHECK PRO R BOX(ES) FOR ANY OF THE FOLLOWING ADDED  
PAGE(S) WHICH FORM A PART OF THIS DECLARATION

1 Signature for third and subsequent joint inventors. Number of  
pages added 1

Signature by administrator(trix), executor(trix) or legal  
representative for deceased or incapacitated inventor. Number  
of pages added

Signature for inventor who refuses to sign or cannot be reached  
by person authorized under 37 CFR 1.47. Number of pages  
added

\* \* \*

1 Added pages to combined declaration and power of attorney for  
divisional, continuation, or continuation-in-part (CIP)  
application.

Number of pages added 1

\* \* \*

Authorization of attorney(s) to accept and follow instructions  
from representative.

\* \* \*

If no further pages form a part of this Declaration then end  
this Declaration with this page and check the following item

       This declaration ends with this page.

\*\*\*\*

1 Added page for additional attorneys of record.

Number of pages added 1

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS

Full name of third joint inventor, if any Po-Wai Yuen

Inventor's signature 

Date 8/6/93 Country of Citizenship Hong Kong

Residence Ann Arbor, Michigan 48108

Post Office Address 2178 Maple Creek Circle  
Ann Arbor, Michigan 48108

Full name of fourth joint inventor, if any Denis Martin Sobieray

Inventor's signature 

Date 8/7/93 Country of Citizenship U.S.A.

Residence Holland, Michigan 49424

Post Office Address 2178 South Bristol  
Holland, Michigan 49424

Full name of fifth joint inventor, if any Lloyd Charles Franklin

Inventor's signature 

Date 8/9/93 Country of Citizenship U.S.A.

Residence Hamilton, Michigan 49419

Post Office Address 4391 137th Avenue  
Hamilton, Michigan 49419

Full name of sixth joint inventor, if any Mark Alan Schwindt

Inventor's signature 

Date 8/9/93 Country of Citizenship U.S.A.

Residence Holland, Michigan 49424

Post Office Address 10443 Hunters Creek  
Holland, Michigan 49424

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**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

*(complete this part only if this is a divisional, continuation or CIP application)*

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:					
U.S. APPLICATIONS			Status (Check one )		
U.S. APPLICATIONS	U.S. FILING DATE	Patented	Pending	Abandoned	
1. 07/ 886,080	May 20, 1992		X		
2. 07/ 618,692	Nov. 27, 1990			X	
3. 0 /					
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLI- CATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)			
4.					
5.					
6.					

(Added Page to Combined Declaration and Power of Attorney for Divisional, Continuation or CIP Application [1-2.1]—page 1

POWER OF ATTORNEY CONTINUED

Charles W. Almer, III	Reg. No. 36,731
Elizabeth M. Anderson	Reg. No. 31,585
Michael J. Atkins	Reg. No. 35,431
Jean B. Barish	Reg. No. 34,118
Ronald A. Daignault	Reg. No. 25,968
M. Andrea Ryan	Reg. No. 28,649
Francis J. Tinney	Reg. No. 33,069

(Added Page for Additional Attorneys of Record)